

REMARKS

In the above-mentioned Office action, all of the pending claims, claims 1-20, were rejected. The claims were rejected under Section 102(b) over *Eglen*. Additionally, objection was made to informalities recited in claims 2, 4, and 7.

Responsive to the rejections of the claims, the independent claims have been amended, as set forth herein, in manners believed to distinguish better the invention of the present application over the cited reference. Additional amendments to various of the dependent claims are made responsive to amendments made to their respective parent claims and to overcome the objections set forth to claims 2, 4, and 7, by the Examiner.

With respect to exemplary claim 1, the claim has been amended, now to recite a content creator database that includes a listing of content creators together with historical indicia associated with the content creators. And, the recitation of the initial price indicia associator has been amended, now to recite that the associator is further adapted to access the content creator database. And, the initial price indicia associator is also amended to recite that the initial price indicia is formed responsive to the historical indicia indexed at the content creator database. Method claim 15 has been analogously amended.

Support for the amendments with respect to the description of Figure 2 is found on, for instance, page 11, lines 4-17.

As now-recited, the claims are believed to recite subject matter that is patentably distinguishable over *Eglen*. Specifically, *Eglen* fails to disclose the recited manner by which to initially price the content files.

The Applicants acknowledge that paragraph 64 of *Eglen* states that an initial price of an item is stored in a field 338 and that paragraph 99 states that an initial price for an item is set, depending on whatever the content supplier and/or administrator believes is appropriate. And, the Applicants further acknowledge that paragraph 123 states that the initial price for the content can be automatically set based on default prices and/or historical prices for similar content stored in a memory.

However, the amended recitation of the claims state that the historical indicia, responsive to which the content files are initially priced, is associated with the content creators. That is to say, the historical indicia is associated with the content creators rather than historical prices for

similar content. And, as stated on lines 9-11 of page 11, the historical indicia identifies, for instance, a sales history of other content created by the content creators.

As a result, the initial pricing is dependent upon the content creators' history not that of others. No corresponding operation is disclosed, or inferred, in *Eglen*. Accordingly, the recitations of claims 1 and 15 are believed to be distinguishable over this reference.

The remaining ones of the dependent claims include all the limitations of their respective parent claims, these claims are believed to be patentably distinguishable over the prior art for the same reasons as given with respect to their parent claims.

Accordingly, in light of the foregoing, independent claims 1 and 15, and the dependent claims dependent thereon, are believed to be in condition for allowance. Re-examination and reconsideration for allowance of the claims is therefore respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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